

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

VIRGO DEVON,)	
)	Civil Action No. 8:05-1960-TLW
Petitioner,)	
)	<u>ORDER</u>
vs.)	
)	
MATTHEW B. HAMIDULLAH,)	
)	
Respondent.)	
)	

Petitioner brings this action seeking restoration of his good time credits pursuant to 28 U.S.C. § 2241. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that this action be dismissed as moot because Petitioner is no longer incarcerated. The Report is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c), D.S.C.

The Magistrate Judge makes only a recommendation to this Court. The responsibility to make a final determination remains with the Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed her Report on May 25, 2006. No objections to the report have been filed.¹ In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a

¹The report was mailed to the address provided to the Court by Petitioner. The report was returned as “not deliverable,” presumably because the Petitioner has been released from custody.

failure to object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that this action be **DISMISSED** as moot since Petitioner is no longer incarcerated.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

September 7, 2006
Florence, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.